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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,927	06/23/2003	Yasuhito Miyata	78731	8015

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EXAMINER	
ROSENBERG, LAURA B	

ART UNIT	PAPER NUMBER
3616	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/601,927	MIYATA, YASUHITO	
	Examiner	Art Unit	
	Laura B. Rosenberg	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-13 and 15-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-13 and 15-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 June 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 29 September 2006, 16 November 2005, and 30 January 2006 have been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 21 contains new matter that is not supported by the originally filed disclosure. Specifically, there is no support for a third end of the at least one direction control member that is spaced a distance greater than the first and second ends from the retainer.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the content of claim 21 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-3, 5-13, and 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosono et al. (6,007,090) in view of Cuevas (5,310,214). Hosono et al. disclose an airbag apparatus (for example, including #M) for a motorcycle (best seen in figure 1) having front (including #Wf) and rear (including #Wr) wheels and a seat (including #5) for a rider (including #R) spaced rearward of the front wheel, the airbag apparatus able to protect the rider in the event of frontal collisions (best seen in figure 7), the airbag apparatus comprising:

- Retainer (including #10, 12, 15) for the airbag mounted to a the motorcycle (can be seen in figure 3)
- Airbag (including #14) able to be deployed from the retainer in a primarily upward, vertical direction forwardly of the seat (best seen in figures 7, 8)
- Airbag having a predetermined inflated volume (best seen in figure 7)
- Inflator (including #16) sized to inflate the predetermined airbag volume (best seen in figure 8)
- Inflated airbag has a rear (for example, right side in figure 7) that is adjacent and facing the rider and a front (for example, left side in figure 7) that is spaced forwardly therefrom and facing away from the rider (best seen in figure 7)

- Airbag stowed in the retainer (best seen in figure 3), the retainer positioned to allow the airbag to inflate upwardly, forwardly, and rearwardly (best seen in figures 7, 8)

Hosono et al. do not disclose inflation control means, or a direction control member, for restricting inflation of the airbag.

Cuevas teaches an airbag apparatus (including #10) for a vehicle having front (not shown) and rear (not shown) wheels and a seat (for example, including #36) for a rider (for example, #34 or #38) spaced rearward of the front wheel (occupant located in between seat and front wheel), the airbag apparatus able to protect the rider in the event of frontal collisions, the airbag apparatus comprising:

- Retainer (including #42) for the airbag
- Airbag (including #18) able to be deployed from the retainer in a primarily upward, vertical direction forwardly of the seat (best seen in figure 1)
- Inflation control means/direction control member (including #86) spaced upwardly from the retainer upon airbag inflation (best seen in figures 1, 3) and able to restrict inflation of the airbag in a predetermined fore and aft direction (front to rear direction) that is generally aligned with the rider movement due to frontal collisions, and allowing inflation of the airbag in the upward vertical direction and sized so that size of the inflated airbag in the upward vertical direction is substantially larger than in the predetermined fore and aft direction (best seen in figure 1)
- Inflation control means connected to the airbag at two positions (for example, in the forward and rearward positions, which is to the left and right in figure 1) that are spaced from each other generally along the fore and aft direction and are at an

approximately equal distance from the retainer with the airbag deployed and inflated (best seen in figure 1)

- Inflation control means comprising tethering means (including #86) able to connect generally opposing portions (front and rear) of the airbag (best seen in figure 1)
- Inflation control means comprising at least one tether (including #86) connected to the airbag at an inflated airbag portion adjacent to the rider (for example, to the right in figure 1) and generally extends away from the rider in the direction aligned with rider movement (best seen in figure 1)
- Airbag having a predetermined inflated volume (best seen in figure 1)
- Inflator (including #22, 24) sized to inflate the predetermined airbag volume with the inflation control means, optimizing the inflated airbag volume extending in the upward direction and able to maximize rider protection while keeping the size of the inflator to a minimum (best seen in figures 1, 2)
- Airbag comprises a central panel (for example, including #80) and side panels (for example, including #76, 78), the inflation control means comprising connectors (including #86) attached to the central panel at one end and to the central panel at the opposite end (best seen in figure 1)
- Inflation control means increases rigidity of the airbag in the fore and aft direction generally aligned with rider movement over rigidity of the airbag in the upward direction (best seen in figure 1)
- Recess (for example, not labeled, but located between #88 and #90) formed in the airbag adjacent the rider (best seen in figures 1, 2)

- In the event that a plurality of tethers are used (best seen in figure 3), there would be a plurality of connections on forward and rearward sides of the airbag, including a generally upper connection beyond which the airbag extends when inflated (best seen in figures 1, 3)
- Inflated airbag has a rear (right side) that is adjacent the rider and a front (left side) that is spaced forwardly therefrom, the plurality of connections generally disposed at the front and rear of the airbag and able to restrict size of the inflated airbag therebetween (best seen in figures 1-3)
- Airbag stowed in the retainer (not shown in stowed state, but airbag would be located in retainer/housing #42 with releasable panel #20 covering the airbag module), the retainer positioned to allow the airbag to inflate upwardly, forwardly, and rearwardly (best seen in figure 1), and predetermined positions of connections between the control member (including #86) and the airbag (including #18) cause a predetermined, primary inflation direction to be in a generally upward direction so that size of the inflated airbag is maximized in the upward direction and restricted in a forward and rearward direction (best seen in figure 1)

It would have been obvious to one skilled in the art at the time that the invention was made to modify the airbag apparatus of Hosono et al. such that it comprised inflation control means, or direction control member, as claimed in view of the teachings of Cuevas so as to provide the airbag with a desired configuration when inflated that will allow for maximum protection for riders who vary in size, weight, height, and position.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 5-13, and 15-23 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura B Rosenberg
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Art Unit 3616

LBR

DAVID R. DUNN
PRIMARY EXAMINER